

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**LORI WAKEFIELD, individually and on
behalf of a class of others similarly
situated,**

Plaintiff,

v.

VISALUS, INC.,

Defendant.

Case No. 3:15-cv-1857-SI

SPECIAL VERDICT

WE, THE JURY, being first duly sworn, unanimously find as follows:

COUNT ONE

Ms. Wakefield's Individual Claim

1. Did the Plaintiff, Ms. Wakefield, prove by a preponderance of the evidence that the Defendant, ViSalus, Inc., made or initiated at least one telemarketing call using an artificial or prerecorded voice to a residential telephone line (residential landline) belonging or registered to Ms. Wakefield, in violation of the TCPA?

YES



NO

If you answered "Yes" to Question No. 1, please proceed to Question No. 2. If you answered "No" to Question No. 1, please skip Question No. 2 and proceed to Question No. 3.

2. How many telemarketing calls using an artificial or prerecorded voice made or initiated to a residential telephone line (residential landline) belonging or registered to Ms. Wakefield did the Plaintiff prove by a preponderance of the evidence?

4 (number)

COUNT TWO

Class Claim

A. Mobile (Cellular) Telephones and Residential Landlines Combined

3. Did the Plaintiff, as Class Representative, prove by a preponderance of the evidence that the Defendant, ViSalus, Inc., made or initiated at least one telemarketing call using an artificial or prerecorded voice to either: (a) a mobile (or cellular) telephone or (b) a residential telephone line (residential landline), belonging or registered to one or more class members other than Ms. Wakefield, in violation of the TCPA?

YES ✓ NO

If you answered "Yes" to Question No. 3, please proceed to Question No. 4. If you answered "No" to Question No. 3, please skip all remaining questions and have the presiding juror date and sign this form.

4. How many telemarketing calls using an artificial or prerecorded voice made or initiated by the Defendant, ViSalus, Inc., to either: (a) a mobile (or cellular) telephone or (b) a residential telephone line (residential landline), belonging or registered to one or more class members other than Ms. Wakefield, in violation of the TCPA, did the Plaintiff, as Class Representative, prove by a preponderance of the evidence?

1,850,436 (number)

B. Mobile (Cellular) Telephones Only

5. Did the Plaintiff, as Class Representative, prove by a preponderance of the evidence that the Defendant, ViSalus, Inc., made or initiated at least one telemarketing call using an artificial or prerecorded voice to a mobile (or cellular) telephone belonging or registered to one or more class members other than Ms. Wakefield, in violation of the TCPA?

YES



NO

If you answered "Yes" to Question No. 5, please proceed to Question No. 6. If you answered "No" to Question No. 5, please skip Question No. 6 and proceed to Question No. 7.

6. How many telemarketing calls using an artificial or prerecorded voice made or initiated by the Defendant, ViSalus, Inc., to a mobile (or cellular) telephone belonging or registered to one or more class members other than Ms. Wakefield, in violation of the TCPA, did the Plaintiff, as Class Representative, prove by a preponderance of the evidence?

We cannot tell (number)

C. Residential Landline Telephones Only

7. Did the Plaintiff, as Class Representative, prove by a preponderance of the evidence that the Defendant, ViSalus, Inc., made or initiated at least one telemarketing call using an artificial or prerecorded voice to a residential telephone line (residential landline) belonging or registered to one or more class members other than Ms. Wakefield, in violation of the TCPA?

YES



NO

If you answered "Yes" to Question No. 7, please proceed to Question No. 8. If you answered "No" to Question No. 7, please skip Question No. 8 and have the presiding juror date and sign this form.

8. How many telemarketing calls using an artificial or prerecorded voice made or initiated by the Defendant, ViSalus, Inc., to a residential telephone line (residential landline) belonging or registered to one or more class members other than Ms. Wakefield, in violation of the TCPA, did the Plaintiff, as Class Representative, prove by a preponderance of the evidence?

We cannot tell (number)

Your deliberations are now complete. Please have the presiding juror date and sign this form and inform the Courtroom Deputy that you are ready to return to the Courtroom.

DATED this 12th day of April, 2019.